



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING NEVADA STATE BOARD OF MEDICAL EXAMINERS

video-conferenced between the

Conference Rooms of the Nevada State Contractors Board Offices

9670 Gateway Dr, #100, Reno, NV 89521 and 2310 Corporate Cir, #200, Henderson, NV 89074

THURSDAY, SEPTEMBER 4, 2003 - 1:00 p.m.

and

FRIDAY, SEPTEMBER 5, 2003 - 8:30 a.m.

THURSDAY, SEPTEMBER 4, 2003

MEMBERS PRESENT IN RENO:

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Joel N. Lubritz, M.D., Secretary-Treasurer
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Stephen K. Montoya, M.D.
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.

STAFF PRESENT IN RENO:

Larry D. Lessly, J.D., Executive Secretary/Special Counsel
Drennan A. Clark, J.D., Deputy Executive Secretary/Special Counsel
Maureen E. Lyons, Deputy Executive Secretary/Information Systems
Administrator
Richard J. Legarza, J.D., General Counsel
Helena J. Teeple, Financial Support Assistant
Lynnette L. Krotke, Chief License Specialist
Trent S. Hiett, Investigator
Pamela C. Gabica, Administrative Assistant

ALSO PRESENT IN RENO:

Charlotte M. Bible, J.D., Chief Deputy Attorney General
John B. Lanzillotta, P.A.-C, Physician Assistant Advisory Committee
Member
Daniel B. Hickey, P.A.-C, Physician Assistant Advisory Committee
Member

STAFF PRESENT IN HENDERSON:

Michael L. Huse, Investigator

ALSO PRESENT IN HENDERSON:

Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory
Committee Member

AGENDA ITEM 1

Call to Order and Announcements - Cheryl A. Hug-English, M.D., President

- Announcement of Changes to the Member Appointments to the Board's Two Investigative Committees
- Announcement of Appointment by the Governor of Javaid Anwar, M.D. to the Board Effective August 9, 2003

The meeting was called to order by Cheryl A. Hug-English, M.D., President, at 1:05 p.m.

Dr. Hug-English stated that for the first time in the history of the board, two Investigative Committees now manage the board's extremely large case load. She announced the final committee member appointments, as follow:

Investigative Committee 'A'

Dr. Baepler, Secretary-Treasurer, Chair
Dr. Anjum
Dr. Titus

Investigative Committee 'B'

Dr. Lubritz, Chair
Mrs. Kirch
Dr. Montoya

Dr. Hug-English thanked the members of the Investigative Committees for their efforts.

Dr. Hug-English welcomed Dr. Anwar to the board as its newest member. She gave a brief history of Dr. Anwar's professional background. Dr. Anwar thanked her for her warm welcome.

Dr. Hug-English welcomed Mr. Clark to his first "official" meeting of the board as its Deputy Executive Secretary/Special Counsel.

Dr. Hug-English reminded members that due to the Legislature's new requirements of the board, the board staff's workload increased to the point where the hire of two new investigative staff members became necessary. Mr. Legarza introduced Pamela C. Gabica, the board's new Administrative Assistant - Investigations, and Trent S. Hiatt, the board's new Investigator, to members.

AGENDA ITEM 2

Approval of Minutes

- May 30 & 31, 2003 Board Meeting - Open/Closed Sessions
- July 11, 2003 Telephone Conference Call Board Meeting - Open Session

Dr. Hug-English stated that page 25 of the May meeting Open Session minutes required amendment to reflect that Dr. Bovellet was found guilty of practicing medicine without a license and not malpractice. She also stated that page 26 of the May meeting Open Session minutes required amendment to reflect that Dr. Watson was found guilty of failure to appear before the Investigative Committee and not malpractice.

Dr. Montoya moved to accept the minutes, with the amendments as stated by Dr. Hug-English, of the May 30 & 31, 2003 Board Meeting - Open/Closed Sessions and the July 11, 2003 Telephone Conference Call Board Meeting - Open Session. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 3

Personnel

Closed Session

- Consideration of the Character and Professional Competence of an Applicant for Employment with the Board [NRS 241.030(1)]

Open Session

- Appointment of Deputy General Counsel
- Consideration of Continuation of Contract with the Nevada Attorney General's Office

Closed Session

- Consideration of the Character and Professional Competence of an Applicant for Employment with the Board [NRS 241.030(1)]

Dr. Lubritz moved to go into Closed Session to discuss the character and professional competence of an applicant for employment with the board. Mrs. Kirch seconded the motion, and it passed unanimously with the Chair voting in favor of the motion.

Open Session

- Appointment of Deputy General Counsel

Upon returning to Open Session, Mr. Lessly announced the hiring of Stephen D. Quinn, J.D. as the board's Deputy General Counsel. He advised that Mr. Quinn's start date is September 15, 2003.

Dr. Hug-English welcomed Mr. Quinn to the board.

Open Session

- Consideration of Continuation of Contract with the Nevada Attorney General's Office

Mr. Lessly recommended that the board continue its contract with the Nevada Attorney General's Office.

Dr. Lubritz moved to approve the continuation of the board's contract with the Nevada Attorney General's Office. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4

Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for October 1, 2003 through December 31, 2003

- Robert D. Fisher, President & CEO, Nevada Broadcaster's Association

Mr. Lessly advised that Mr. Fisher was unable to appear before the board for this agenda item due to the very recent death of his mother. He recommended that the board renew its contract with the Nevada Broadcaster's Association for the board's public service announcement program for October 1, 2003 through December 31, 2003 at \$5,000 per month. He added that he will arrange for Mr. Fisher to appear at the board's December meeting to discuss with members the current and future relationship between the board and the Nevada Broadcaster's Association.

Dr. Jones moved to approve continuing the contract as recommended by Mr. Lessly. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 5

Consideration of Amendments to Nevada Administrative Code Chapter 630

- Drennan A. Clark, J.D., Deputy Executive Secretary/Special Counsel
- Richard J. Legarza, J.D., General Counsel

Mr. Legarza referred members to the amendments to NAC 630 and the proposed new regulations under NAC 630 in the agenda book and reviewed them for members. He explained that the board had adopted the regulations as temporary regulations; however, now that the Nevada Legislative Session is completed, the regulations must again go to public workshops prior to their adoption as permanent regulations. The proposed new regulations under NAC 630 must also be approved by the board for public workshops prior to their adoption.

Dr. Lubritz moved to approve for public workshops the temporary regulations and the proposed new regulations under NAC 630, as they appear in the agenda book, for public workshops. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Consideration of Request by Washoe Medical Center for Approval of Practitioner of Respiratory Care Training Programs Per NRS 630.047(1)(e) and (f)(1)

Mr. Lessly recommended approval of the training programs.

Dr. Titus moved to grant the request by Washoe Medical Center for approval of practitioner of respiratory care training programs per NRS 630.047(1)(e) and (f)(1). Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 7

Consideration of Request by Mountain View Hospital for Approval of Practitioner of Respiratory Care Training Programs Per NRS 630.047(1)(e) and (f)(1)

Mr. Lessly recommended approval of the training programs.

Dr. Jones moved to grant the request by Mountain View Hospital for approval of practitioner of respiratory care training programs per NRS 630.047(1)(e) and (f)(1). Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 8

Discussion of Standards for *Licensure By Endorsement* and Setting of Application Fees for *Licensure By Endorsement* and *Administrative Physician License Types*

Mr. Legarza gave a brief background of the history of the legislation that led to the adoption of the new Licensure By Endorsement and Administrative Physician licensure statutes. He added that with this legislation, the Nevada Legislature is attempting to make initial medical licensure in Nevada less restrictive, so that more medical doctors will come to the state to practice. He advised that the requirements for Licensure By Endorsement licensure make the board's acceptance of an application for this type of licensure completely discretionary. He added that he does not recommend that the board exercise this means for licensure. He suggested that, as an alternative, the board consider amending its current regulations pertaining to the licensure requirements for regular medical doctor licensure.

Mrs. Krotke described the particular circumstances surrounding the

applications of some of the currently pending Licensure By Endorsement licensure applicants, as examples of what types of applicants the board will be reviewing for acceptance for this kind of licensure.

Discussion ensued.

Dr. Baepler moved to modify the regulations pertaining to the licensure requirements for medical doctor licensure by amending the examination requirement to read: "...must pass the SPEX or provide such other proof of competency acceptable to the board" or similar verbiage to that effect. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly recommended that the board consider setting the application fee for Administrative Physician licensure at \$400.00 and the application fee for Licensure By Endorsement licensure at \$600.00.

Mrs. Kirch moved that the application fee for Administrative Physician licensure be set at \$400.00 and the application fee for Licensure By Endorsement licensure be set at \$600.00. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 9

Legal Reports - Richard J. Legarza, J.D., General Counsel

Charlotte M. Bible, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status
- Board Litigation Status

There was no report under this agenda item.

AGENDA ITEM 10

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
 - Consideration of Acceptance of Resignation of Committee Member
 - Consideration of Request for Appointment of Replacement Committee Member
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T.
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson
Joel N. Lubritz, M.D., Chairperson
 - Consideration of Cases Recommended for Closure by the Committees
 - Status of Investigative Case Load
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Consideration of Approval of Board Audit for Fiscal Year 2002 - 2003
 - Consideration of Approval of Final Budget for Fiscal Year 2003 - 2004
 - Status of Finances

**- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director,
Nevada Health Professionals Assistance Foundation**

Ms. Bowers reviewed her distributed quarterly report for members.

Discussion ensued.

- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C**
 - Consideration of Acceptance of Resignation of Committee Member**
 - Consideration of Request for Appointment of Replacement Committee Member**

Mr. Lanzillotta referred members to Brian S. Lauf, P.A.-C's letter of resignation from the Physician Assistant Advisory Committee in the agenda book. He introduced Daniel B. Hickey, P.A.-C to members, gave a brief history of his professional background and recommended that the board appoint him to the committee to replace Mr. Lauf.

Dr. Montoya moved to appoint Mr. Hickey to the Physician Assistant Advisory Committee to replace Mr. Lauf. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Hickey thanked the board for appointing him to the committee.

- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T.

Mr. Garcia advised that he had no report to present from the Practitioner of Respiratory Care Advisory Committee.

- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson**
 - Joel N. Lubritz, M.D., Chairperson**
 - Consideration of Cases Recommended for Closure by the Committees**
 - Status of Investigative Case Load**

- Investigative Committee 'A' - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson

Dr. Baepler reported that his committee met on August 22, 2003, and has 52 cases to recommend to the board for closure from that meeting. He added that he is very pleased that the board now has two Investigative Committees to handle its heavy case load.

Dr. Baepler distributed the list of cases recommended for closure by the committee for members' review and consideration for closure.

- Investigative Committee 'B' - Joel N. Lubritz, M.D., Chairperson

Dr. Lubritz reported that his committee met earlier in the day, and has 66 cases to recommend to the board for closure from that meeting. He thanked his committee members for their efforts.

Dr. Lubritz distributed the list of cases recommended for closure by the committee for members' review and consideration for closure.

- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer**
 - Consideration of Approval of Board Audit for Fiscal Year 2002 - 2003**
 - Consideration of Approval of Final Budget for Fiscal Year 2003 - 2004**
 - Status of Finances**

Dr. Baepler advised that he met with the board's auditors, Solari and Sturmer, LLC, Certified Public Accountants, earlier in the day and reviewed the audit with them. He recommended the board's approval of the audit for filing with the State of Nevada's Budget Division and Legislative Counsel Bureau.

Dr. Lubritz moved to approve the board's audit for fiscal year 2002-2003 for filing as required by statute. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler reviewed the distributed board *Balance Sheet as of September 3, 2003*, and *Profit & Loss Budget vs. Actual July 2003 through June 2004*, for members. He recommended approval of the board's final budget for fiscal year 2003 - 2004 as reflected in that document.

Dr. Titus moved to approve the board's final budget for fiscal year 2003 - 2004. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 11

Executive Staff Reports - Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director

- Consideration of Request for Staff Attendance at Educational Meetings
- Final 2003 - 2005 Biennial Registration Statistics
- Status of Staff Additions and Changes
- Consideration of Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*
- Consideration of Purchase of Video-Conferencing Equipment for Board Conference Room
- Consideration of a Second Board Office to be Located in Las Vegas
- Informational Items

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Lessly requested the board's authorization to send...

- 1) Mr. Clark to the *Administrators In Medicine's 2003 Fall Meeting* on September 15 & 16, 2003, and the *Federation of State Medical Boards of the United States, Inc.'s Executive Management Seminar*, September 16 & 17, 2003, in Seattle, WA;
- 1) Mr. Lessly to *Medem's Fourth Annual eRisk Working Group Meeting* on October 10, 2003, in San Francisco, CA; and
- 2) Mr. Hiatt to the *Federation of State Medical Boards of the United States, Inc.'s Investigator Training Workshop*, date and location to be announced.

Dr. Titus moved to authorize the staff's attendance at educational meetings as requested by Mr. Lessly. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly encouraged board members to notify staff should they wish to attend the *Federation of State Medical Boards of the United States, Inc.'s Board Member Workshop: Medical Boards and the Impaired Physician* on November 15, 2003, in Las Vegas.

- Final 2003 - 2005 Biennial Registration Statistics

Mr. Lessly reviewed the board's current licensee statistics for members, advising that the 2003-2005 biennial registration process has been completed.

- Status of Staff Additions and Changes

Mr. Lessly advised that in addition to the newest staff hires: Mr. Quinn, Ms. Gabica and Mr. Hiatt, he may need to hire another investigator and license specialist prior to the next board meeting in December, due to the staff's increasingly heavy work load. He stated that he will ask the board's President for authority to make these hires, should they be necessary.

AGENDA ITEM 10 (CONTINUED)

Reports

- Diversion Program: *Quarterly Report* - Carol R. Bowers, R.N., C.D., Executive Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
 - Consideration of Acceptance of Resignation of Committee Member
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- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson
Joel N. Lubritz, M.D., Chairperson
 - Consideration of Cases Recommended for Closure by the Committees
 - Status of Investigative Case Load
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Consideration of Approval of Board Audit for Fiscal Year 2002 - 2003
 - Consideration of Approval of Final Budget for Fiscal Year 2003 - 2004
 - Status of Finances
- **Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson**
- **Joel N. Lubritz, M.D., Chairperson**
- **Consideration of Cases Recommended for Closure by the Committees**
- **Status of Investigative Case Load**

Mrs. Kirch moved to close the cases recommended for closure by the Investigative Committees. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 11 (CONTINUED)

Executive Staff Reports - Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director

- Consideration of Request for Staff Attendance at Educational Meetings
- Final 2003 - 2005 Biennial Registration Statistics
- Status of Staff Additions and Changes
- Consideration of Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*
- Consideration of Purchase of Video-Conferencing Equipment for Board Conference Room
- Consideration of a Second Board Office to be Located in Las Vegas
- Informational Items

- Consideration of Approval of Revised *Organizational and Operational Charts, Personnel Policies, and Officer, Committee and Job Descriptions Manual*

Mr. Lessly reviewed the distributed proposed amended board Organizational Chart for members.

Mrs. Kirch moved to approve the amended board Organizational Chart as proposed. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly reviewed the distributed proposed amended job descriptions for members.

Dr. Montoya moved to approve the amended job descriptions as proposed. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion

- Consideration of Purchase of Video-Conferencing Equipment for Board Conference Room

Mr. Clark reported that he has received bids for the purchase of video-conferencing equipment for two locations (the board's conference room in Reno and a location to be determined in Las Vegas) through both a private vendor and the University of Nevada system. He advised that the total cost would run approximately \$48,650.00, including a document viewer and two high-tech plasma screens. He added that the board has the option of installing a dedicated T-1 line or sharing the existing University of Nevada's T-1 line for the connection.

Dr. Titus moved to authorize Mr. Clark to purchase the video-conferencing equipment as he described from a private vendor and to install a dedicated T-1 line for the connection. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of a Second Board Office to be Located in Las Vegas

Mr. Clark advised that he researched several possibilities for locations in Las Vegas for a second board office. He stated that the cost to maintain a second board office in Las Vegas would be approximately \$300,000.00 per annum.

Discussion ensued. Ed Kingsley, M.D., President of the Clark County Medical Society appeared before the board in Henderson and offered the board the use of the society's conference room for the board's video-conferenced calls. Dr. Hug-English thanked Dr. Kingsley for his offer.

Dr. Titus moved to table this agenda item until the board's December 2003 meeting. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Informational Items

Mrs. Lyons reported that the major overhaul of the board's website, as a result of the Legislature's requirements, will be completed by January 31, 2004.

AGENDA ITEM 17

Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the May 30 & 31, 2003 Board Meeting

Dr. Montoya moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved since the May 30 & 31, 2003 board meeting. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 19

Public Comment

Weldon Havins, M.D. appeared before the board in Henderson and stated his feeling that should the board implement video-conferencing of its meetings as a means by which the southern Nevada based physicians could attend the meetings, it would then not be necessary for the board to physically hold meetings in Las Vegas. Mr. Legarza asked Dr. Havins to state his opinion regarding the necessity of a second board office located in Las Vegas. Dr. Havins stated that he doesn't feel that a Las Vegas board office is necessary.

RECESS

Dr. Hug-English recessed the meeting at 3:30 p.m.

FRIDAY, SEPTEMBER 5, 2003

**MEMBERS PRESENT
IN RENO:**

Cheryl A. Hug-English, M.D., President
Jaculine C. Jones, Ed.D., Vice President
Joel N. Lubritz, M.D., Secretary-Treasurer
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.
Marlene J. Kirch
Stephen K. Montoya, M.D.
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.

**STAFF PRESENT
IN RENO:**

Larry D. Lessly, J.D., Executive Secretary/Special Counsel
Drennan A. Clark, J.D., Deputy Executive Secretary/Special Counsel
Maureen E. Lyons, Deputy Executive Secretary/Information Systems Administrator
Richard J. Legarza, J.D., General Counsel
Helena J. Teeple, Financial Support Assistant
Lynnette L. Krotke, Chief License Specialist

**ALSO PRESENT
IN RENO:**

Charlotte M. Bible, J.D., Chief Deputy Attorney General

**STAFF PRESENT
IN HENDERSON:**

Michael L. Huse, Investigator

Dr. Hug-English reconvened the meeting at 8:35 a.m.

AGENDA ITEM 12

Consideration of Stipulation for Settlement in the Matter of the Nevada State Board of Medical Examiners vs. Yvonne Scott-Cravey, P.A.-C, Case No. 03-328-1

Adjudicating Board Members: Cheryl A. Hug-English, President; Jaculine C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Javaid Anwar, M.D.

Dr. Hug-English confirmed that all of the adjudicating board members were present.

Mr. Legarza reviewed the history of the formal Complaint filed by the board against Ms. Scott-Cravey and reviewed and explained the points of the proposed Stipulation for Settlement in the matter. Discussion ensued.

Dr. Jones moved to accept the proposed Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Yvonne Scott-Cravey, P.A.-C as presented by Mr. Legarza. Mrs. Kirch seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members, including the Chair, voted in favor of the motion to accept the proposed Stipulation for Settlement. The Stipulation for Settlement in the matter of the Nevada State Board of Medical Examiners vs. Yvonne Scott-Cravey, P.A.-C was accepted unanimously.

AGENDA ITEM 13

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Everett Charles Freer, M.D., Case No. 03-4783-1

Adjudicating Board Members: Cheryl A. Hug-English, President; Jaculine C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Javaid Anwar, M.D.

Everett Charles Freer, M.D. appeared in Henderson.

Dr. Hug-English confirmed that all of the adjudicating board members were present and proceeded to review the formal Complaint filed by the board against Dr. Freer.

Mrs. Kirch moved to go into Closed Session to deliberate on the four counts of the Complaint. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Lubritz moved to find Dr. Freer guilty of count one of the Complaint, a felony conviction of attempted lewdness in violation of NRS 630.301(1). Mrs. Kirch seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members voted in favor of the motion to find Dr. Freer guilty of count one of the Complaint, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to find Dr. Freer guilty of count two of the Complaint, consisting of an offense involving moral turpitude, as described in count one, in violation of NRS 630.301(1). Mrs. Kirch seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members voted in favor of the motion to find Dr. Freer guilty of count two of the Complaint, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to find Dr. Freer guilty of count three of the Complaint, consisting of a felony conviction of involving incest in violation of NRS 630.301(1). Mrs. Kirch seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members voted in favor of the motion to find Dr. Freer guilty of count three of the Complaint, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to find Dr. Freer guilty of count four of the Complaint, an offense involving moral turpitude, as described in count three, in violation of NRS 630.301(1). Mrs. Kirch seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members voted in favor of the motion to find Dr. Freer guilty of count four of the Complaint, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to go into Closed Session to deliberate on the appropriate sanctions. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Titus stated that the offenses contained in the Complaint against Dr. Freer of which the board has found him guilty are material violations of the Nevada Medical Practice Act, and she moved that Dr. Freer's license to practice medicine in the state of Nevada be revoked, he be ordered to pay all costs incurred by the board in the investigation and prosecution of this case against him and he be issued a public reprimand. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 14

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Miles J. Jones, M.D., Case No. 03-12528-1

Adjudicating Board Members: Cheryl A. Hug-English, President; Jaculine C. Jones, Ed.D., Vice President; Joel N. Lubritz, M.D.; Robin L. Titus, M.D.; Marlene J. Kirch; Sohail U. Anjum, M.D.; and Javaid Anwar, M.D.

Dr. Hug-English confirmed that all of the adjudicating board members were present and proceeded to review the formal Complaint filed by the board against Dr. Jones.

Dr. Lubritz moved to go into Closed Session to deliberate on the eight counts of the Complaint. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. Jones moved to find Dr. Jones guilty of counts one, three, five and seven of the Complaint, and find that the charges of revocation of his medical licenses in four states are offenses which are material violations of the Nevada Medical Practice Act. Mrs. Kirch seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members voted in favor of the motion to find Dr. Jones guilty of counts one, three, five and seven of the Complaint, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to find Dr. Jones guilty of counts two, four, six and eight of the Complaint, and find that the charges of failure to report to the Nevada State Board of Medical Examiners the revocation of his medical licenses in four states are offenses which are material violations of the Nevada Medical Practice Act. Dr. Titus seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating board members voted in favor of the motion to find Dr. Jones guilty of counts two, four, six and eight of the Complaint, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved that Dr. Jones' license to practice medicine in the state of Nevada be revoked and he be ordered to pay all costs incurred by the board in the investigation and prosecution of this case against him. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 15

Request for Approval to Practice Outside of the University of Nevada School of Medicine's Family Practice Residency Program, Per NRS 630.265(4)

- Tom Michael Herbert, M.D., License No. LL1254
- R. Bruce Bannister, D.O., Residency Director - Family Practice Residency, Reno

Dr. Herbert and Dr. Bannister appeared before the board to explain the circumstances surrounding and answer questions pertaining to Dr. Herbert's request to practice outside of the University of Nevada School of Medicine's Family Residency Program.

Discussion ensued.

Dr. Titus moved to approve Dr. Herbert's request to practice outside of the University of Nevada School of Medicine's Family Residency Program. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 16

Appearances for Consideration of Acceptance of Applications for Licensure

Mrs. Kirch moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

CLOSED SESSION

16 (a) Nader Armanious, M.D.

Upon returning to Open Session, Dr. Lubritz moved to deny Nader Armanious, M.D.'s application for licensure. Mrs. Kirch seconded the motion. The motion failed, with Dr. Anjum, Dr. Titus, Dr. Jones, Dr. Montoya, Dr. Anwar and the Chair voting against the motion.

Dr. Anjum moved to accept Nader Armanious, M.D.'s application for licensure. Dr. Montoya seconded the motion. The motion passed, with Dr. Lubritz, Dr. Baepler and Mrs. Kirch voting against the motion, and the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

16 (b) Troy Berg, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Troy Berg, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

16 (c) Alessandro De Vito, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept Alessandro De Vito, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

16 (d) Carlos Garcia-Cuevas, C.R.T.

Upon returning to Open Session, Dr. Lubritz moved to accept Carlos Garcia-Cuevas, M.D.'s application for licensure. Dr. Montoya seconded the motion and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

16 (e) Luis Guillen, C.R.T.

Upon returning to Open Session, Dr. Titus moved to accept Luis Guillen, C.R.T.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

16 (f) Gerald Hobson, M.D.

Upon returning to Open Session, Dr. Lubritz moved to accept Gerald Hobson, M.D.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

16 (g) Brian Lee, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept Brian Lee, M.D.'s application for limited licensure. Dr. Titus seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

16 (h) Robert Lewis, M.D.

Upon returning to Open Session, Dr. Titus moved to accept Robert Lewis, M.D.'s application for licensure. Dr. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Hug-English recessed the meeting for lunch at 12:10 p.m.

Dr. Hug-English reconvened the meeting at 1:00 p.m.

16 (i) John Luckwitz, M.D.

Mrs. Krotke announced that John Luckwitz, M.D. notified her last week that he is withdrawing his application for licensure.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

16 (j) Azadeh Majlessi, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept Azadeh Majlessi, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Anjum seconded the motion, and it passed unanimously.

16 (k) Babu Nahata, M.D.

Upon returning to Open Session, Dr. Titus moved to deny Babu Nahata, M.D.'s application for licensure due to his having knowingly falsified information on his application for licensure. Mrs. Kirch seconded the motion.

Dr. Nahata pleaded with the board to not deny his application for licensure. The board excused Dr. Nahata from the room.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

Upon returning to Open Session, Dr. Hug-English took a roll call for the vote. The motion to deny Babu Nahata, M.D.'s application for licensure passed unanimously, with the Chair voting in favor of the motion.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

16 (l) Edward Outlaw, M.D.

Upon returning to Open Session, Dr. Montoya moved to accept Edward Outlaw, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

16 (l) Douglas Roger, M.D.

Upon returning to Open Session, Dr. Montoya moved to deny Douglas Roger, M.D.'s application for licensure due to his having knowingly falsified information on his applications for licensure and initial registration form. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anjum seconded the motion, and it passed unanimously.

16 (n) Dustin Ross, P.A.-C

Upon returning to Open Session, Dr. Baepler moved to accept Dustin Ross, P.A.-C's application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

16 (o) Robert Rutledge, M.D.

Upon returning to Open Session, Robert Rutledge, M.D. appeared before the board with his attorney, Richard Horton. Dr. Rutledge had a court reporter present to record the proceedings. Dr. Rutledge waived his right to have the board consider his application for licensure in Closed Session, so that his court reporter might be allowed to record this entire agenda item.

Discussion was had about a complaint or complaints against Dr. Rutledge, and about his prior application for licensure.

Dr. Rutledge apologized for omitting information on his original application for licensure, stating that he had made an error and should have answered "yes" to question no. 31, when, in fact, he had answered "no."

Dr. Lubritz moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Rutledge, Mr. Horton and the court reporter left the room

Upon returning to Open Session, Dr. Montoya moved to accept Robert Rutledge, M.D.'s application for licensure. The motion died for lack of a second.

Dr. Lubritz moved to deny Robert Rutledge, M.D.'s application on the grounds that he had attempted to obtain a license by false, misleading, incorrect or incomplete information contained in his October 2002 application. Mrs. Kirch seconded the motion, and it passed with Dr. Montoya voting against the motion, and the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

16 (p) Kathleen Smith, M.D.

Upon returning to Open Session, Dr. Baepler moved that the board not exercise its statutory discretion to grant Kathleen Smith, M.D.'s Licensure by Endorsement application. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English advised Dr. Smith that should she decide to sit for and subsequently pass the SPEX, and then apply to the board for medical licensure, she will not be required to appear before the board for consideration of acceptance of her application for licensure.

Dr. Titus moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

16 (q) John Swanson, M.D.

Upon returning to Open Session, Dr. Titus moved to accept John Swanson, M.D.'s application for licensure contingent upon his successful completion of 40 hours of continuing medical education in Primary Care medicine, which continuing medical education must be approved in advance by the Secretary-Treasurer of the board. Mrs. Kirch seconded the motion, and it passed, with Dr. Lubritz abstaining from the vote, and the Chair voting in favor of the motion.

16 (r) Alyssa Watanabe, M.D.

Mr. Lessly announced that Alyssa Watanabe, M.D. is not present at the meeting and has asked that the board accept her withdrawal of her application for licensure.

Dr. Baepler moved to not accept Alyssa Watanabe, M.D.'s withdrawal of her application for licensure and to require her to appear at the board's December 2003 meeting for consideration of her application for licensure. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Titus seconded the motion, and it passed unanimously.

16 (s) Johnny Wooley, C.R.T.

Upon returning to Open Session, Johnny Wooley, C.R.T. withdrew his application for licensure with the consent of the board.

AGENDA ITEM 19
Matters for Future Agenda

There was no discussion under this agenda item.

ADJOURNMENT

Dr. Hug-English adjourned the meeting at 5:00 p.m.